

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESale PRICE) MDL NO. 1456
LITIGATION)
CIVIL ACTION: 01-CV-12257-PBS
THIS DOCUMENT RELATES TO:) Judge Patti B. Saris
ALL CLASS ACTIONS)

**PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTIONS
TO DISMISS AND REQUEST FOR ORAL ARGUMENT**

Plaintiffs hereby oppose Defendants' Motions to Dismiss Master Consolidated Class Action Complaint, Defendant B. Braun Medical Inc.'s Motion to Dismiss the Master Consolidated Class Action Complaint, and Defendant Bristol Myers Squibb's Motion to Dismiss. In support of Plaintiffs' Opposition, Plaintiffs refer the Court to (i) Plaintiffs' Consolidated Memorandum in Opposition to Defendants' Motions to Dismiss, and (ii) the Affidavit of Thomas M. Sobol Regarding Plaintiffs' Consolidated Memorandum in Opposition to Defendants' Motions to Dismiss, filed simultaneously herewith.

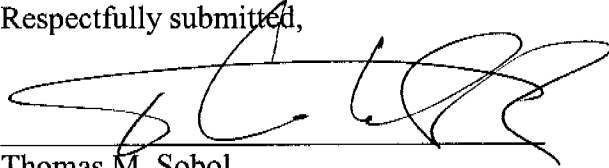
REQUEST FOR ORAL ARGUMENT

Defendants respectfully request oral argument on Plaintiffs' Opposition to Defendants' Motions to Dismiss. Plaintiffs believe that oral argument will assist the Court in its determination of the important issues raised in Plaintiffs' papers.

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Dated: December 5, 2002

Respectfully submitted,



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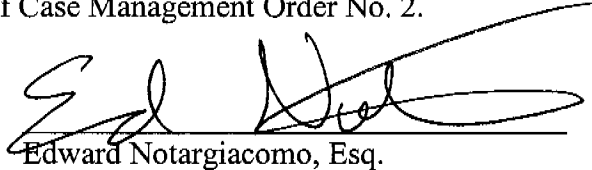
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CERTIFICATE OF SERVICE

I hereby certify that I, Edward Notargiacomo, an attorney, caused a true and correct copy of the foregoing Plaintiffs' Opposition to Defendants' Motions to Dismiss and Request for Oral Argument to be served on all counsel of record electronically on December 5, 2002, pursuant to Section D of Case Management Order No. 2.

A handwritten signature in black ink, appearing to read 'Ed Not', is written over a horizontal line.

Edward Notargiacomo, Esq.

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